

Assessing Public Procurement Practice in Slovakia - 2017

General Description of the Public Procurement System

X. Management of the Public Procurement System

Please provide a brief description of how the public procurement system is managed in your country by answering the following questions:

Is there a single state body responsible for managing the public procurement system, or is this function distributed among more than one state body? What is its/their authority and responsibilities and are legal requirements met in practice in this regard? What is the level of independence of this body/ies and are legal requirements met in practice? Is there duplication of authority?

Please provide the answer in a maximum of 5-10 sentences.

Comment: Public Procurement Office is the sole authority in charge of public procurement – training, law enforcement (dispute resolution, sanctions), data management. The Office is nominally independent but selections of its leaders have been repeatedly politicized. Also, some of its decisions on politically sensitive cases have been questionable.

X. Are tenders electronic or paper based? In cases when tenders are solely electronic, are there cases of paper-based tendering? Is there insufficient enforcement of PPL?

Please provide the answer in a maximum of 3-4 sentences.

Comment: Tenders are partially electronic (full documentation online, but need to send most of them in paper version) with a full-electronic segment for typical, frequently bought commodities (EKS system).

X. Is public procurement conducted through a centralized, single website or are there multiple websites for conducting public procurement? Is its/their use mandatory or voluntary?

Please provide the answer in a maximum of 3-4 sentences.

Comment: Single website for common purchases, and a single website for all above-threshold documentation, but otherwise procurement conducted individually through email or paper by entities

X. If there is a register of suppliers, what is the number of registered suppliers in it?

If possible, please provide a comparison with several (at least 5) previous years?

Comment: not available

X. What is the total number of competitive procedures?

If possible, please provide a comparison with several (at least 5) previous years.

Comment: 728 in 2017, 662 in 2016 (around 80% of total)

X. What is share of public procurement in the country's GDP?

Comment: 5% (only above threshold, competed nationally)

X. What are the monetary thresholds for single source procurement (works, goods, services)? _____

Is the monetary threshold acceptable? Why or why not?

Comment: There is no clear threshold for "single source" procurement. The practice is to get three quotes even for below the threshold contracts. The law says the effort should be proportional to the size of the contract. From our experience, anything above a few hundred euros tends to be justified with a look at several offers.

Public Procurement Scope and Spending Breakdown

X. What share (% in terms of procurement value) of government spending is conducted through competitive public procurement procedures? ____

Please provide a brief analysis of this data point. If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment: 6,5% (only above threshold procurement)

X. What share (% in terms of procurement value) of total public procurement spending is conducted through single source procurement? __10%__

Please provide a brief analysis of this data point. If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend. If possible, provide a breakdown of this data point by the list of legal exemptions considered acceptable or unnecessary by the TPPR Methodology (Pre-tendering phase, Indicator 9).

Comment: It was 15% in 2016. It is hard to see trends, as volumes and types of purchases fluctuate wildly year to year.

X. What is the share (% in terms of procurement value) of below threshold single source procurement in total public procurement spending? ___N/A___

Please provide an analysis of this data point in 2-3 sentences (if possible, provide data from previous 5 years).

Comment:

X. If your country has any unreasonable exemptions to the Public Procurement Legislation (e.g. contingency funds, utilities, certain procuring entities or sectors of the economy), provide your estimate of the volume spent in this way and the share (% in terms of value) these exemptions would constitute in total procurement spending? Volume : _N/A_ share: ____

Please provide a brief analysis of this data point. If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment:

X. What is the volume of secret government procurement? What is the share (value in %) of secret government procurement in total public procurement expenditures? Volume: _n/a___ share: ____

Please provide a brief analysis of this data point. If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment:

Competitiveness

X. What is the average number of bidders? _3,4___

If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend. If possible, provide a breakdown of this data point by goods, works and services.

Comment: 2013: 2,9 2014: 3,5 2015: 3,7 2016: 3,5

X. What is the share (% in terms of procurement value) of competitive procedures with single bidders in total competitive spending? ___13%_

If possible, please provide information on the share (number) of competitive contracts won by single bidders in the total number of competitive procedures.

Comment: 25%

X. What is the share (% in terms of procurement value) of competitive procedures with five or more bidders in total competitive spending? _24%__

If possible, please provide information on the share (number) of competitive contracts with five or more bidders in the total number of competitive procedures.

Comment: 23%

X. What share (% in terms of procurement value) of public procurement contracts is won by commercial state-owned enterprises (above 50% ownership)? ____

Provide an analysis of this data point. If applicable, provide a comparison with several previous years. If possible, provide a breakdown of this data point by type of procedure, i.e. competitive procedures vs. direct procurement. Is there any reason to believe that state owned companies are getting preferential treatment?

Comment: n/a

X. What share (% in terms of procurement volume) of public procurement contracts is won by foreign enterprises? ____

If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment: n/a

X. What is the share (%) of procuring entities which only used single source procurement in the total number of procuring entities? ____

If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment: n/a

Efficiency

X. What is the share (%) of failed tenders in the total number of tenders? _63%__

If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend. If possible, provide a breakdown of this data point by tenders with no bidders, cancelled tenders or unsuccessful tenders where no relevant competitor was found.

Comment: The dominant reason for such a high numbers seems to be that some EU structural funds schemes require that entities already have procurement results before they get the subsidy, which means many tenders will fall through as entities did not get the funds in the first place. Last year was also abnormal, typical cancellation rate is 10%.

X. What share (%) of planned public procurement expenditure was saved as a result of competitive procedures? _50_

If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment: Data are questionable given that estimated prices are not necessarily market prices

X. What is the share (% in terms of procurement value) of tenders where price is the only criterion compared to competitive procedures where other criteria are also used? 81__

If possible, provide a comparison with several (at least 5) previous years, as well as a brief analysis of this data point.

2016: 85%

X. What is the share (%) of non-executed contracts in the total number of contracts? __n/a__

If relevant, provide a comparison with several (at least 5) previous years. If possible, provide a breakdown of this data point by type of procedure, i.e. competitive procedures vs. direct procurement. If possible, indicate the share (%) of non-executed contracts awarded through competitive procedures, as well as single source procurement.

Comment: Nobody collects such data

Accountability

X. Describe the dispute settlement mechanism in public procurement, its composition, authority, level of independence, and decision-making procedures. What are the major strengths and problems in law and practice:

Comment: Disputes get dealt with on two levels – a. internal Procurement Office staff, on appeal it goes to b. Council, which consists of 3 internal and 6 by government elected outside people. Again, there are some signs of politization of Council member selection.

X. What is the number of complaints submitted to the dispute resolution board (or equivalent body)?
232

If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment: Decreasing trend, number in 2017 lowest in 5 years, with 411 complaints in 2013. The trend might be partially explained with lower number of tenders, partly with stricter conditions for filing a complaint.

X. What is the share (%) of disputed tenders in the total number of tenders? _9%__

If possible, please provide an analysis of this data point in 2-3 sentences.

Comment:

X. What share (%) of disputes was won by the initiator in the Dispute Resolution Board (or equivalent body)? _25__

If possible, please provide an analysis of this data point in 2-3 sentences.

Comment: Another 29% ongoing

X. What share of decisions of the Dispute Resolution Board have been taken to courts? ____

If possible, provide a comparison with several (at least 5) previous years and possible explanations for the resulting trend.

Comment: Not possible to identify directly, but indirectly data show 5% rate

X. What share (%) of the total competitive procurement spending was received by companies that have donated (including private donations by their owners) to the current government? __0__

If possible, please provide an analysis of this data point in 2-3 sentences.

Comment: There almost no donations legally recorded by companies to political parties in Slovakia.

X. What share (%) of the total single source procurement spending was received by companies that have donated (including private donations by their owners) to the current government? __0_

If possible, please provide an analysis of this data point in 2-3 sentences. Have there been any high profile cases of politically affiliated companies receiving single source contracts?

Comment:

Transparency

X. Can public procurement related data be downloaded in bulk? If yes, can data be downloaded in any of the following formats - CSV, JSON, or XML?

no

X. Are there any significant data quality issues? (Are any control mechanisms in place to ensure data quality is maintained?)

Some data occasionally missing

X. Please fill the Data Transparency Table below by indicating either “Yes”, “No” or “N/A” in each empty slot:

Data Transparency Table - Access to Public Procurement Related Documents							
Type of document	Is this information required to be public by law?	Is this information publicly available?	Is the database complete?	Electronic	Machine-readable *	Free of charge	Exact format
PPL documents	y	y	y	y	n	y	y
Annual public procurement plans	n	y	n	n	n	y	n
Notices of intended procurement	optional	y	y	y	y	y	y
Amendments to tender documentation	y	y	y	y	n	y	y
Tender candidate applications	y	y	y	y	n	y	y
Bids	y	y	y	y	n	n	y

Tender commission decisions	y	y	y	y	n	y	y
Information on subcontractors	y	y	y	y	n	y	n
Procurement contracts	y	y	y	y	n	y	n
Contract amendments	y	y	y	y	n	y	N
Contract performance information	y	y	y	y	n	y	y
Payment receipts	y	y	y	y	n	y	n
Inspection and quality control reports	n	y	n	N	n	y	n
Complaints	y	y	y	y	n	y	y
Dispute resolutions	y	y	y	y	n	y	y
Internal and external audit reports	n	y	n	n	n	y	n

* For the purposes of this questionnaire, machine-readable means: for quantitative data formats, such as: JSON, CSV, XML, and for text documents - document that are NOT uploaded in the form of a scanned photo or PDF file.

In the comment box below, please elaborate on any irregularities or important details related to the above table.

Comment: Inspection and audits reports are available on demand, but not automatically published

X. In addition to what is listed in the Data Transparency Table above, are there any gaps in the public procurement database/s? (e.g. gaps in the completeness of data from specific procurers or specific time periods?)

Data older than 2009 rarely accessible

Major Strengths and Weaknesses

X. What are the 3 major gaps between the country's public procurement legislation requirements and their implementation in practice? (e.g. ignored provisions, legal loophole, etc.) What are your recommendations for how to align the practice with the legislation? Please provide a brief description of each in a maximum of 4-5 sentences.

1.

Gap: Overuse of exceptions from competitive buying

Recommendation: More oversight, centralized procurement, training

2.

Gap: Uploading all the required procurement documents to online profile

Recommendation: condition contract's validity with submission of all documents

3.

Gap:

Recommendation:

X. What are the 3 major weaknesses / challenges of the country's public procurement system as a whole? And what are your recommendations for overcoming them? Please provide a brief description of each in a maximum of 4-5 sentences.

1.

Challenge: Efficiency. Insufficient analytical capacity at state level

Recommendation: Create special government procurement analytical body.

2.

Challenge: Ability of officials to carry out tenders professionally at municipal level

Recommendation: More centralized tenders.

3.

Challenge: Lack of prosecution of tender fraud.

Recommendation: Police and prosecution reforms.

X. What are the 3 major strengths / successes of the country's public procurement system as a whole?
Please provide a brief description of each in a maximum of 4-5 sentences.

1.

Transparency – documentation together with contracts and receipts is published in full online.

2.

Strong oversight by independent NGOs and media

3.